

Town of Fitzwilliam * Board of Adjustment
Variance Application

Name of Applicant (please print) _____

APPLICATION FOR A VARIANCE

A variance grants relief from a burdensome zoning ordinance. A variance may be granted under special circumstances provided you show that your proposed use is not contrary to the spirit of the Fitzwilliam Land Usage Bylaws and meets specific criteria. Before you apply for a variance, you must first have some form of official determination that your proposed use is not permitted without a variance. Please attach a copy of the determination.

I request a Variance from Article _____ Section _____ of the Zoning Ordinance to: (describe your plan)

Applicant signature _____ **Date** _____

Please attach sketches, photos, diagrams, plans, tax map showing property and abutting properties with locating structures, well and septic system, adjacent property lines and highway right of way, with distances marked.

Please address the points listed in 127-42 E. on the back of this application.

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§ 127-42 Variances.

A Variance from the specific requirements of this chapter, including a variance authorizing a use not otherwise permitted in a particular land use district, except uses prohibited in § 127-13, may be authorized by the Board of Adjustment.

D. Public Hearing and Decision. The Board of Adjustment shall hold a public hearing no later than thirty (30) days after the receipt of an application by the Clerk of the Board of Adjustment. The Board of Adjustment shall have the power to continue a public hearing under this section if it finds that such continuance is necessary to allow the petitioner or applicant to provide information of an unusual nature and which is not otherwise required as part of the Variance application. The Board of Adjustment shall issue a decision on such Variance no later than fourteen (14) days following the conclusion of the public hearing. (Amended by STM 11-1-1989 by Art. 5)

E. Mandatory Findings. Before granting any Variance from the provisions of this Chapter, the Board of Adjustment shall make specific findings that all of the following conditions are present: [Amended by substitution ATM 03-09-10 by Article 10]

1. For All Variances:

The variance will not be contrary to the public interest;
The spirit of the ordinance is observed;
Substantial justice is done;
The values of surrounding properties are not diminished; and
Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

2. Unnecessary hardship means that owing to special conditions of the property that distinguish it from other properties in the area:

No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
The proposed use is a reasonable one.

If the criteria in subparagraph 2. are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use if it.